

### REMARKS

Claims 57-76 are pending, in which no claim is canceled, withdrawn, currently amended, or newly presented. No new matter is introduced.

The Office Action mailed February 20, 2009 rejected claims 57-76 under 35 U.S.C. § 103(a) as obvious based on *Kessler* (U.S. 6,741,288) in view of *Levitan* (U.S. Pub. 2002/0147769).

Independent claims 57 and 67 recite, *inter alia*, “transmitting [or transmit] **a network information table**, wherein the network information table contains **a linkage to a control channel . . . the control channel contains access information corresponding to one or more internet protocol based services.**” Independent claims 62 and 72 recite, *inter alia*, “receiving [or receive] **a network information table**, wherein the network information table contains **a linkage to a control channel . . . the control channel contains access information corresponding to one or more internet protocol based services.**”

The Office Action, on page 3, asserts that *Kessler* discloses “[t]ransmit a network information table . . . wherein the network information table contains a linkage to a control channel,” by citing col. 1, lines 35-65 and col. 5, lines 37-52, as well arguing that “[a]n PSIP or and MPEG is transmitted which correlates PIDs to particular streams/services,” such that the “PSIP or MPEG are linked to control data.” Applicant respectfully disagrees with this interpretation of *Kessler*.

More specifically, *Kessler* discloses that the program and specific information protocol (SPIP) format enables **terrestrial broadcast and cable broadcast streams** to be appended with extended sets of data to be carried in one or more tables, i.e., a master guide table (MGT), a virtual channel table (VCT), an event information table (EIT), an extended text table (ETT), a

system timetable (STT), and a rating region table (RRT), (*See, e.g.*, Col. 1, lines 41-46; Col. 5, lines 37-46). As defined by the advanced television systems committee (ATSC) standard ATSC A/65, MGTs provide information on the other PSIP tables (e.g., table sizes, version numbers, etc.), VCTs provide information on virtual channels that are or will be made available (e.g., channel name, navigation identifier, stream components, etc.), EITs include information for each event or program associated with virtual channels for a given time period, ETTs include event description information, STTs includes time-of-day information, and RRTs include program rating information (e.g., all children, directed to older children, general audience, and the like). Accordingly, one of ordinary skill in the art would understand that PSIP tables provide information about **terrestrial broadcast and cable broadcast streams** and what is being broadcasted by those streams, whereas one of ordinary skill in the art would understand the claimed network information table (NIT) to include tuning information (e.g., channel frequencies, transponder numbers, etc.) for accessing **internet protocol based services**, as opposed to broadcast services. It is noted that *Kessler* is completely devoid of any specific teaching, or even remote suggestion, of internet protocol based services, which even the Examiner acknowledges, (*See* Office Action, page 3). This is due to the fact that the PSIP format is utilized for terrestrial broadcast and cable broadcast streams, not internet protocol based services.

Furthermore, the claims recite a “linkage to a control channel” not a “linkage to control data” as argued on page 3 of the Office Action. Namely, *Kessler* teaches “a series of fields pointing to data within content section 42” of database 28, (*See* Col. 4, lines 21-23). The linkage in *Kessler* enables control module 18 to acquire control structure 46 from a memory 26 to enable demultiplexer 16 to receive desired broadcast programming and ignore other received

broadcast programs, (*See* Col. 3, lines 43-65; Col. 5, lines 47-52). By contrast, the claims recite “a linkage to a control channel . . . the control channel contains access information corresponding to one or more internet protocol based services.” As such, not only are the linkages different, but *Kessler* provides for more or less “filtering information” for ignoring undesired broadcast programming received by demultiplexer 16, whereas the claims provide for “access information” corresponding to one or more internet protocol based services.

Moreover, the secondary reference to *Levitan* does not cure the deficiencies within *Kessler*. The Office Action, on page 3, merely relies on *Levitan* for supposedly teaching, “wherein the services are internet protocol based services.” Even still, the teachings of *Levitan* are not amendable to those of *Kessler* as the format structure of *Kessler* is specific to terrestrial broadcast and cable broadcast streams, not internet protocol based services. Thus, whether *Kessler* and *Levitan* are taken alone or in combination (and Applicant certainly does not agree that the requisite motivation has been established for combining the applied references), *Kessler* and *Levitan* fail to teach, or even suggest, all of the claimed features.

Therefore, Applicant respectfully submits that the rejection of 57-76 under 35 U.S.C. § 103(a) is not sustainable and, hence, should be withdrawn.

Therefore, the present application, as amended, overcomes the rejection of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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Date

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